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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

v.

Abdul Malik Abdul Kareem,
Defendant.

No. CR-15-00707-01-PHX-SRB

**NOTICE REGARDING STATUS OF
GOVERNMENT COUNSEL**

The United States of America respectfully informs the Court and defense counsel of the impending addition of a new Assistant United States Attorney (AUSA) to the case based on recent guidance from the DOJ Executive Office for United States Attorneys, Office of General Counsel (OGC).

As background, undersigned counsel originally consulted with their chain of command within the United States Attorney's Office for the District of Arizona (USA-AZ) and the Department of Justice (DOJ) Professional Responsibility Advisory Office (PRAO) after learning about Kareem's alleged statements about undersigned counsel. The conclusion of that consultation was that undersigned counsel would continue to represent the United States in this case and would notify the Court and defense counsel of the threats. On September 22, 2021, the defense filed a motion asserting the existence of a potential

1 conflict of interest on the part of undersigned counsel. In the course of responding to the
2 recent defense motion, the USA-AZ consulted with OGC in the wake of that filing. The
3 final conclusion of that consultation, received on October 13, 2021, likewise was that
4 undersigned counsel do not have a conflict of interest in continuing to represent the United
5 States in this case. That said, OGC advised undersigned counsel that, to fully ensure that
6 there is no appearance of a conflict or bias, the government should consider having a
7 different AUSA present the evidence and argument regarding the prisoner witnesses'
8 allegations about Kareem's statements about undersigned counsel while incarcerated at
9 FCI Florence. Therefore, in an abundance of caution, the government plans to have a new
10 AUSA who was not a target of the alleged threats present that evidence and argument at
11 sentencing.

12 The government recognizes this is a significant burden for the new AUSA and
13 potentially for the Court and defense counsel in terms of the new AUSA's knowledge of
14 the case and the relationship between the evidence from the prisoner witnesses and the trial
15 evidence in the case. The government also understands that the Court set the sentencing
16 date more than two months ago and that rescheduling the sentencing likely would impose
17 a burden on the Court and defense counsel. As a result, the government will do everything
18 it can to bring the new AUSA up to speed on the issues in time for the sentencing on
19 October 19, 2021. At the same time, the government would not oppose a continuance if
20 the Court finds the interests of justice so require.

21 Respectfully submitted this 14th day of October, 2021.

22 GLENN B. McCORMICK
23 Acting United States Attorney
District of Arizona

24 *s/Kristen Brook*
25 *s/Joseph E. Koehler*
26 KRISTEN BROOK
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and that true and accurate copies have been transmitted electronically to counsel for the defendant via the ECF system.

Daniel Maynard and Daniel Drake, Attorneys for Defendant

By: /s Joseph E. Koehler